

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Bill H. Dominguez, by counsel, submits this Notice of Supplemental Authority in support of his opposition to Defendant Yahoo! Inc.'s Motion for Summary Judgment.

In Plaintiff's Opposition (Doc. 39), at footnote 2, he referred to a motion for summary judgment filed by Defendant in another case brought under the Telephone Consumer Protection Act, *Sherman v. Yahoo! Inc.*, C.A. No. 13-41 (S.D. Cal.). On February 3, 2014, the district court in *Sherman* denied Yahoo!'s motion, relying in large part on an expert report submitted by Randall Snyder. Mr. Snyder has also submitted an expert report in the case at bar (Doc. 39-9).

A copy of the *Sherman* decision is attached hereto.

Dated: February 4, 2014

Respectfully submitted,

## **FRANCIS & MAILMAN, P.C.**

By: /s/ David A. Searles  
JAMES A. FRANCIS  
DAVID A. SEARLES  
Land Title Building, 19<sup>th</sup> Floor  
100 South Broad Street  
Philadelphia, PA 19110  
(215) 735-8600

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, I caused a true and correct copy of the foregoing to be served upon the following via the Court's EDF system:

Brian T. Feeney  
GREENBERG TRAURIG, LLP  
2700 Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103

Ian C. Ballon  
Lori Chang  
GREENBERG TRAURIG, LLP  
1900 University Avenue  
5<sup>th</sup> Floor  
East Palo Alto, CA 94303

Dated: February 4, 2014

s/ David A. Searles  
David A. Searles